

REPORT TO THE LEGAL SERVICES CORPORATION STATE PLANNING IN VERMONT

Legal Services Law Line of Vermont, Inc.
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INTRODUCTION

Our state planning efforts have taken place on several levels and in several contexts. Vermont is a small state where there has long been continuing interaction among the individuals and organizations involved with legal services. In other words, most of the people involved in this area know each other and have worked with each other in the past. Presently there is no single state planning activity although the several groups engaged in planning may in the future evolve into a single statewide planning entity.

Legal Services Law Line of Vermont (Law Line) has been in existence for nearly three years. It operates a statewide telephone service that specializes in advice and brief service. Vermont Legal Aid has been in existence for nearly 30 years as a statewide provider of legal services to the poor. Since the creation of Law Line, Vermont Legal Aid has emphasized full service representation, referring brief service and quick advice cases to Law Line. The South Royalton Legal Clinic provides legal services to low income Vermonters, in a clinical setting, at the Vermont Law School in South Royalton, Vermont. Vermont Protection and Advocacy, the P&A entity in Vermont, is located in Montpelier, Vermont.

Eric Avildsen is Executive Director of Vermont Legal Aid, Inc. Hon. Denise R. Johnson is Associate Justice of the Vermont Supreme Court and is Chair of the Supreme Court Committee on Fairness and Equal Access to Justice. Robert M. Paolini is Executive Director of the Vermont Bar Association. James C. May is the Director of the South Royalton Legal Clinic and a member of the Board of Directors of Legal Services Law Line of Vermont. Judith Rex is Director of Vermont Protection and Advocacy, Inc. Judith Joseph is Executive Director of the Vermont Network Against Domestic Violence and Sexual Assault.

1. INTAKE, ADVICE AND REFERRAL

Legal Services Law Line of Vermont and Vermont Legal Aid are statewide legal services law firms that work collaboratively by sharing information, training, and educational resources in an effort to make the best possible use of legal resources in Vermont. Law Line specializes in advice, brief service, and community education. VLA focusses on full services representation in addition to policy advocacy and limited advice and brief services cases.

Law Line and Vermont Legal Aid have collaborated to create a statewide intake and referral system for low income Vermonters with legal problems. The initial point of contact is a VLA screener. People can contact VLA by visiting or calling one of the five local offices, located in Burlington, Montpelier, St. Johnsbury, Rutland, and Springfield, or by calling a statewide 800 number for telephone intake by VLA screeners in Burlington. The VLA screener enters information about the potential client, including eligibility information and a problem description, into a customized case management database. Based on detailed screening guidelines the screener then makes a referral to a local resource, assigns the case to a VLA advocate, or refers the case to Law Line for advice and brief service.

Law Line and VLA have collaborated to develop compatible case information systems and are nearing completion of an information transfer system that will allow the two organizations to transfer relevant case information electronically. Presently, the Burlington, Montpelier and St. Johnsbury offices are transferring cases to Law Line electronically. This prevents the duplication of effort and allows Law Line to quickly provide service without having to do further screening or enter information into its data base. The other two VLA offices are upgrading hardware and software so that they will be able to transfer cases to Law Line electronically. In the interim, these offices send cases to Law Line by fax.

The South Royalton Legal Clinic (SRLC) operates a law clinic for low income Vermonters in South Royalton, Vermont. Most of SRLC's cases are from Windsor or Orange Counties. Approximately half of their cases are in family law. One quarter of their cases concern government benefits. SRLC provides services through a federal Violence Against Women Act grant from the Vermont Network Against Domestic Violence and Sexual Assault. SRLC maintains a separate intake system. Most of their cases come from local shelters pursuant to their VAWA grant. If a case comes in that SRLC does not handle, they refer it to Vermont Legal Aid for intake. Appropriate cases are referred by VLA and Law Line to SRLC for full service representation.

Vermont Protection and Advocacy, Inc. is a separate nonprofit organization that provides legal services to people categorized as "mentally ill" and former patients at the Vermont State Hospital. Vermont P&A has its own intake system and priorities.

All new Law Line cases are reviewed by the Executive Director who assigns each case to a Law Line paralegal or attorney for service or to the Director of the Vermont Volunteer Lawyers Project for placement with a pro bono attorney.

Law Line and Vermont Legal Aid have established an efficient statewide intake and delivery system that has increased our total number of service cases, expanded priorities and provided for the efficient distribution of available resources. These two organizations need to work to refine and improve the system they have developed. The two smaller legal services providers, Vermont P&A and the South Royalton Legal Clinic, are not well integrated into this system. We need to look for ways to better coordinate services and work collaboratively with these two organizations.

Law Line and VLA have begun a review and analysis of total case data for the last five years. Our preliminary review shows an increase in overall cases and a broadening of priorities over this period. We intend to look more closely at the types of services we have provided, the legal issues

involved, the geographical spread, and the relationship of full service to limited service cases in various legal areas. From this analysis of our cases over time we hope to learn more about changes and trends involving the types of cases we are doing, the level of services we are providing, and the geographical distribution of our cases. This will allow us to clarify our understanding of where we were, where we are, and where we may be going as we plan for the future.

Law Line and VLA need to find new ways to make sure that our services are known through Vermont. Many people call Law Line directly for services and need to be transferred to VLA. Although call transfers are accomplished efficiently by a direct transfer of the call without requiring the prospective client to call back, it indicates some confusion among the client community about where to call and is inefficient for the providers as well as for the client. We need to take further steps to get the notion of an integrated delivery system into the community, using community groups wherever possible, perhaps by advertising the two organizations as complimentary services reached through one telephone number.

2. TECHNOLOGY

There is no formal, written legal services technology plan. However, just about all of the technological advancements we have made in the last three years resulted from consultation and deliberative planning between Vermont Legal Aid and Law Line. All of the offices of both organizations are linked electronically through a wide area network.

VLA and Law Line have been working for the last three years to develop their technological abilities in ways that will maintain compatibility while allowing the programs to fashion their technology to meet their own individual needs. Creation of a wide area network was completed this past summer

when Law Line moved to new offices. Working together, the two programs have planned and developed compatible case information systems. These systems allow VLA and Law Line to share information electronically and still modify or enhance their own programs to meet their own individual needs. Law Line completed a transition from a DOS-based program to the current Windows-based program this year. VLA is completing its transition to full use of the Windows-based program, which should be finished within the next few months. At present, three VLA sites, Burlington, St. Johnsbury and Montpelier, have the software capability to refer cases to Law Line electronically. The other two offices, Rutland and Springfield, send their referrals by fax. Electronic referrals are much more efficient since they allow Law Line to review and assign cases with minimal data input. Faxed referrals require Law Line staff to manually enter data into the Paradox system, duplicating work that has already been done at VLA. We expect to be able to convert the other two VLA offices to electronic referrals within a month.

Law Line and VLA telephone systems are state of the art, providing 800 access throughout the state, voice mail, etc. as well as allowing us to switch calls from one organization to the other without requiring a client to hang up and call another number.

All Law Line staffs have up to date computers at their desk with Windows 3.1 operating systems. Each Law Line staff member has access to a calendaring system, internal (including all of VLA and Law Line staff) E-mail, the Internet (including Internet E-mail, the web and news groups), word processing, the case management system, and other law practice programs such as child support calculation and bankruptcy form programs. All Law Line advocates have access from their desk to a set of CD-rom research libraries maintained by VLA. They also have access to Westlaw.

The Vermont Supreme Court recently appointed the Vermont Judiciary Technology Committee to look at the future use of technology in the courts. This committee has published a report that outlines a plan for introducing electronic litigation, an accessible case and data access system, and an expanded

web site. The Executive Director of Law Line has met with this committee, urging that sufficient attention be paid to the needs of *pro se* litigants and emphasizing the importance of making technology, particularly web access, available to the low income community. Law Line will continue to be involved in these issues as the work of the committee progresses.

Law Line is planning its own web site, which we hope to have available early next year. This will allow us to better organize and expand our materials for clients as we make them more easily available throughout the state.

3. ACCESS TO COURTS, SELF-HELP AND PREVENTIVE EDUCATION

The ability of unrepresented litigants to effectively present their cases in court is recognized by the judiciary, the court system, and the bar as a major problem in Vermont, as in other states. Much has been done, most notably the creation of a comprehensive family court system, but much undoubtedly remains to be done.

Law Line is one of the principal advocates in Vermont for the needs of *pro se* litigants. Law Line provides individualized, detailed, ongoing advice to eligible clients who are representing themselves, touching on a wide variety of legal issues, in every court in Vermont from small claims court to the Supreme Court of Vermont. Law Line is also involved in several efforts to enhance self-help opportunities and expand client access to justice.

Working with the Chittenden County Family Court, as part of a collaborative effort among members of the private bar, court staff, and the judiciary, Law Line worked to develop, write, and produce an instructional video for *pro se* litigants in family court. This video covers the basics of self representation in divorce, parentage, and post-judgment cases. It is nearly complete, subject to a final

edit. If the video proves to be useful and effective, Law Line will work for its use in other courts and for development of similar educational videos in other areas. The process itself has resulted in increased awareness of the needs of pro se litigants among the people and groups involved.

In another cooperative effort with the Chittenden Family Court, Law Line is conducting a survey of pro se litigants to evaluate the effectiveness of existing pro se assistance programs and learn more about the unmet needs of unrepresented litigants. The results will be available to the public as well as court staff, the bar, and the judiciary, to improve and expand pro se assistance efforts.

The Vermont Bar Association is preparing for a Citizens Justice Conference to be held next Spring. Law Line and VLA staff are participating in two of the committees that are developing ideas for this conference. Staff will take part in the development of a plan to increase access to the courts by low income people and people with disabilities.

Law Line has developed a project to provide advice to pro se litigants in court, to be staffed by pro bono attorneys. We are seeking funding for that project. With Vermont Legal Aid and the South Royalton Legal clinic, we have developed a larger, more comprehensive project to provide pro se assistance, training, and community education. That project has not yet been funded.

In the nearly three years that Law Line has been in existence, we have developed a fairly extensive library of educational materials, information, instructions, and pro se pleadings. We make extensive use of a comprehensive set of materials for eviction defense that was developed by VLA several years ago. These materials, which were approved by the Court Administrator, are also available through community action agencies, tenant organizations, and the courts themselves. They were designed to make the eviction process understandable and navigable by lay people.

There is a need for more comprehensive organization and coordination of community education and self-help materials. The Law Line web site, which is in development, is an opportunity to compile

and coordinate materials so that they are available in one place.

Law Line conducts approximately two surveys a year of former clients to determine and evaluate the success of our service and the appropriateness of our materials. This survey is conducted by telephone. In conjunction with the Chittenden Family Court, Law Line is also engaged in a survey of pro se litigants in family court to evaluate the availability and usefulness of various resources for pro se litigants.

Law Line also produces a regular cable access television show that looks at and discusses legal issues.

4. COORDINATION OF LEGAL WORK, TRAINING, INFORMATION AND EXPERT ASSISTANCE

All Law Line and VLA advocates have contact with each other through internal E-mail from their desks. This is used extensively by advocates to share information on legal issues, provide updates on important projects or litigation, and seek advice or assistance on cases. Law Line and VLA share paper and CD rom libraries. Last Spring VLA sponsored a two day training event that brought VLA and Law Line staff together on a wide range of substantive and practice issues, developed from a survey of training needs. We need to work to make sure this is an annual event.

Within Law Line we work to maintain an expectation that all staff, particularly the Executive Director, are always available to consult on cases. Law Line staff meets for a half day every two weeks to conduct training, discuss cases, new developments, and ongoing projects, and to meet with guests from other organizations. All Law Line staff attends training events sponsored by the Vermont Bar Association and other organizations on a regular basis.

5. PRIVATE ATTORNEY INVOLVEMENT

The level of private attorney involvement in Vermont is not entirely satisfactory. Last year the Vermont Volunteer Lawyers Project, which operates a statewide pro bono referral program within Law Line, made 450 phone calls and only placed about 60 cases with private attorneys.

The Honorable Denise Johnson, Associate Justice of the Vermont Supreme Court, is leading an effort to improve access to justice and increase pro bono activities, through the Supreme Court Committee on Fairness and Equal Access to Justice, which she chairs. Law Line and VLA are both involved in this effort to create greater awareness of the legal needs of poor Vermonters, increase leadership in the private bar on the importance of private bar involvement, and increase participation in the Vermont Volunteer Lawyers Project. With Justice Johnson's help, Law Line is also focussing efforts on several county bar associations to improve private bar involvement.

Working with Bob Paolini, Executive Director of the Vermont Bar Association, Law Line is planning presentations to the Board of Bar Managers of the Vermont Bar Association at their December meeting, in the hope that this will increase attorney participation by creating greater awareness of the legal needs of poor Vermonters.

6. RESOURCE DEVELOPMENT

Law Line is funded entirely by its Legal Services Corporation grant. In a collaborative effort with Vermont Legal Aid, the South Royalton Legal Clinic, and the Vermont Network Against Domestic Violence and Sexual Assault, Law Line has applied for grants to provide more localized, comprehensive efforts to assist pro se litigants. Vermont Legal Aid is funded by a number of private, state and federal

funding sources and is engaged in ongoing efforts to expand funding for legal services in Vermont.

VLA's primary development focus at this time is to increase direct financial support from the private bar, preserve legal services funding from the State of Vermont, and expand revenue in the IOLTA program by increasing interest rates on IOLTA accounts.

7. SYSTEM CONFIGURATION

The present configuration has been in existence for three years. We are continually evaluating and improving its effectiveness. However, we do not contemplate a re-configuration of legal services in Vermont at present.